

**Amendments to the Drawings:**

The attached sheets of drawings include changes made to Figs. 4, 6, and 14. The first attached sheet, which includes Figs. 3 and 4, replaces the original sheet including Figs. 3 and 4. In Fig. 4, previously omitted element 56 has been added. The second attached sheet, which includes Figs. 5 and 6, replaces the original sheet including Figs. 5 and 6. In Figure 6, previously omitted element 84 has been added. The third attached sheet, which includes Figs. 13 and 14, replaces the original sheet including Figs. 13 and 14. In Fig. 14, previously omitted elements 130 and 132 have been added.

Attachment: Replacement Sheets

Annotated Sheets Showing Changes

## **REMARKS**

This Amendment is submitted in response to the non-final Office Action mailed on April 24, 2006. Claims 28-34 are pending before the Amendment. Claims 28, 32, and 34 have been amended and claims 35 and 36 are new. Applicants respectfully submit that this application is in complete condition for allowance and request reconsideration of the application in this regard.

### **Drawing Objections**

The Office Action objects to the drawings as failing to show reference numerals “56” and “84”. In accordance with the written description, Fig. 4 has been amended to add reference numeral “56” and Fig. 6 has been amended to add reference numeral “84.” Fig. 14 has also been amended to add previously omitted elements 130 and 132, which conforms Fig. 14 to the written description and to Fig. 13. Applicant submits that no “new matter” has been added by these amendments to Figs. 4, 6, and 13.

The Office Action objects to a duplicative use of reference numeral “152” to designate both “flange” and “aperture”. Applicants have amended the written description to correct a typographical error so that, after the amendment, reference numeral “152” only designates “aperture”.

Accordingly, Applicants request that the Examiner withdraw the drawing objections.

### **Rejections under 35 USC § 112, 2<sup>nd</sup> Paragraph**

Claims 32 stands rejected under 35 USC § 112, 2<sup>nd</sup> Paragraph as being indefinite. Applicants have amended claim 32 in a manner believed to be sufficient for the Examiner to withdraw the rejection.

### **Rejections under 35 USC § 102**

#### ***Claims 28-30 and 32-34 over Voudouris***

Claims 28-30 and 32-34 stand rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Pub. No. 2004/0072119 to Voudouris (hereinafter *Voudouris*). Applicants submit an affidavit of prior invention under 37 C.F.R. § 1.131, as an attachment herewith, which has been executed by both inventors of the subject matter claimed. The affidavit establishes that Applicants invented the claimed subject matter in the United States before the earliest possible filing date of *Voudouris* (i.e., June 21, 2002). Attached to the affidavit is a photocopy of an original exhibit consisting of a written invention disclosure with original drawings and images of a scaled model of an orthodontic bracket made under the direction of one or both of the inventors. Applicants' showing of facts is, in character and weight, sufficient as to establish that the inventors conceived an orthodontic bracket that embodies the features and advantages of the present invention, as claimed in the '181 application, in the United States prior to the effective date of *Voudouris*. Consequently, Applicants submit that U.S. Pub. No. 2004/0072119 is no longer a valid reference under 35 U.S.C. § 102(e) and respectfully request that the rejection be withdrawn.

### **Rejections under 35 USC § 103**

#### ***Claim 31 over Voudouris in view of Hansen et al.***

Claim 31 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over *Voudouris* in view of U.S. Patent No. 6,142,775 to Hansen et al. (hereinafter *Hansen et al.*). As mentioned in the preceding remarks, Applicants' affidavit establishes that Applicants invented the claimed subject matter before the earliest possible filing date of *Voudouris* (March 18, 2004), which is relied upon in the rejection. Consequently, Applicants submit that U.S. Pub. No. 2004/0072119 (i.e., *Voudouris*) is no longer a valid reference under 35 U.S.C. § 102(e) and respectfully request that the rejection be withdrawn.

### **New Claims**

Claims 35 and 36 are new claims that depend directly from claim 28. Claims 35 and 36 are patentable for at least the reasons set forth above and, furthermore, recite a unique combination of elements not disclosed or suggested by the art of record.

### **Conclusion**

Applicants have made a bona fide effort to respond to each and every requirement set forth in the Office Action. In view of the foregoing remarks, this application is submitted to be in complete condition for allowance and, accordingly, a timely notice of allowance to this effect is earnestly solicited. If there is any additional matter that may be resolved by telephone or fax, the Examiner is invited to contact the undersigned to expedite issuance of this application.

Applicants do not believe that any fees are due in connection with this submission.

However, if such petition is due or any fees are necessary, the Commissioner may consider this to be a request for such and charge any necessary fees to deposit account 23-3000.

Respectfully submitted,  
WOOD, HERRON & EVANS, L.L.P.

/William R. Allen/  
William R. Allen, Reg. No. 48,389

2700 Carew Tower  
441 Vine Street  
Cincinnati, OH 45202  
(513) 241-2324 (voice)  
(513) 421-7269 (facsimile)

Attachments